IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No.25251/2006 & M.P.No.1/2006

R.Thangadurai .. Petitioner

Vs

The Managing Director,
Tamilnadu State Transport Corporation,
(Salem Divn.I) Ltd.,
Salem .. Respondent

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to consider the petitioner for appointment to the post of Conductor as per Section 25 H of the Industrial Disputes Act before making fresh recruitment from the open market.

For Petitioner : Mr.S.Mani

For Respondent : Mr.V.R.Kamalanathan,GA

ORDER

The petitioner was employed as Conductor in the respondent Transport Corporation and subsequently he was retrenched from service. It was against the retrenchment, he moved to the Labour Court and the Labour Court dismissed the I.D.No.217/2002 dated 17.5.2005. The claim of the petitioner in the present writ petition is that since he has been working earlier in the respondent Corporation, he will be entitled for a preferential right in cases of any subsequent vacancies that arise in future as per Section 25 H of the Industrial Disputes Act. In view of the same, the petitioner has made a representation to the respondent on 15.6.2006.

2.Heard the learned counsel for the petitioner and Mr. V.R.Kamalanatha, learned Government Advocate, taking notice on behalf of the respondent.

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3. Considering the facts and circumstances of the case that admittedly, the petitioner was working earlier in the respondent Corporation and that the I.D.no.217/2002 was also dismissed on the ground that he has not completed 240 days of service, certainly the petitioner is entitled for consideration under Section 25 H of the Industrial Disputes Act for a preferential treatment in case if any future vacancy arises. In view of the same, the respondent is directed to consider the representation of the petitioner dated 15.6.06 and appoint the petitioner as conductor as a fresh candidate as and when future vacancy arises by complying the provisions of Section 25H of the Industrial Disputes Act.

4. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

ap

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Managing Director,
Tamilnadu State Transport Corporation,
(Salem Divn.I) Ltd.,Salem.

1 cc to Mr.S.Mani, Advocate, SR.36071
1 cc to Mr.V.R.Kamalanathan, Advocate,SR.35751

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dv/24.8.06

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